



New Jersey Department of Children and Families Policy Manual

Manual:	NJAC	NJ Administrative Code Excerpts	Effective Date:
Title	5	Community Affairs	
Chapter	61	Address Confidentiality Program	1/11/2010
Subchapter:	10	Agency Exemption Requests	
Section	2	Exemption determination (N.J.A.C. 5:61-10.2)	

§5:61-10.2 Exemption determination

(a) The Commissioner's decision to grant or withhold a requested exemption shall be based on, but not limited to, an evaluation of the information provided under N.J.A.C. 5:61-10.1. The decision shall be rendered within 20 days receipt of the provider agency's request for exemption.

(b) If the Commissioner determines that a provider agency has a bona fide statutory or administrative requirement for the use of a program participant's actual address information and that the actual address information will be used only for those statutory and administrative purposes, the Commissioner may issue a written exemption determination to the provider agency.

(c) A decision granting the request for exemption shall include:

1. A statement as to the provider agency's obligation to maintain the confidentiality of a program participant's address information;
2. Limitations on use and access to that address information;
3. The term during which the exemption is authorized for the provider agency where the provider agency is making procedural changes that would allow it to accept the substitute address;
4. Designation of the record format on which the address information may be maintained; and
5. Designation of an address information disposition date after which the provider agency may no longer maintain a record of the address information.

(d) A Commissioner's denial of a provider agency's exemption request shall be made in writing and include a statement of the specific reasons for the denial.

(e) When a program participant requests use of the substitute address in a record, and the provider agency has received an exemption determination for that record, the provider agency shall immediately provide a copy of the Commissioner's written decision to the program participant. The provider agency

shall notify the program manager of the applicant's request for use of the substitute address and its decision to deny the request.